

The Carlsbad Current

TWENTY-NINTH YEAR.

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CARGILL FOUND NOT GUILTY BY JURY

Last Wednesday afternoon about four o'clock the jury in the Cargill case informed the judge that they were ready to announce their verdict which had been reached after a short deliberation. There was breathless suspense in the courtroom after the twelve jurors had filed into their places and after the verdict of "Not Guilty" had been pronounced it was some minutes before those who heard could fully realize what the decision was. It even seemed to surprise the judge and Mr. Cargill seemed unable to fully realize that he was a free man.

This case has attracted more attention and drew a larger crowd than any case tried here for some time and was a hard fought, long-drawn battle full of legal complications. The state sought to prove that Butcher was wanted out of the way by the Cargills and Hays brothers so they could use his water and graze his range. It was claimed there was a conspiracy to kill Butcher and Claude Hays was to be present so he could be an eye witness for the defense.

After the state had examined a long list of witnesses they rested and turned the case over to the defense, who started with their witnesses Friday and ended their case Tuesday. Then the arguments of the lawyers began which were very lengthy and interesting. Judge Fred E. Wilson led off for the state with a statement of facts which he presented with such force and clearness as to be a distinct surprise to his many friends. He was followed Tuesday night by the first argument for the defense presented by Judge Lamb to a crowd which literally packed the court room and overflowed into the halls. This was Judge Lamb's initial speech on an important murder case in the courts of Eddy county and he surely measured up to all expectations and presented his arguments in a convincing manner. After Judge Lamb's speech, the jury informed the judge they would rather hear the other arguments next day, so they were allowed to retire for the night.

Wednesday the balance of the arguments were finished by two of Carlsbad's most gifted orators, Major E. P. Bujac for the defense and Robt. C. Dow for the state. The case was left up to the jurors for their consideration about 12:30 o'clock Wednesday afternoon.

The latter part of the trial Judge Lamb questioned the witnesses, relieving Major Bujac who examined them the first few days.

The jury was composed of men from the northern part of Eddy county who were not familiar with the case in any way and were mostly young men. While their decision is a surprise to many it should be accepted by all as what they thought was right and proper under the circumstances and the decision accepted as final. There is no way of going back of such a verdict and all the loyal citizens will be content with it.

The defense was insanity, self-defense and the unwritten law. Much expert testimony was given by various doctors as to the insanity of the defendant and only one seemed to think he was insane. Mr. Cargill's family history was reviewed and it was brought out that his grandmother became insane from the loss of 6 children in a few days and an uncle was violently insane besides others who were affected with insanity. The lawyers claimed defendant was suffering from syphilis caused from having what used to be commonly called "dropsy," but which was cretinism.

The plea of the defense when they invoked the unwritten law and the protection of the home was not strengthened by much evidence that there was any improper conduct on Mr. Butcher's part toward Mrs. Cargill except what defendant testified to in his story below. It is said that Mrs. Cargill denies that there is any truth in the story told by the jury defendant, but the law in such cases is that she could not testify unless defendant gave his

consent and this he refused to do. Because the jury decided on their verdict of not guilty by reason of the story told by Cargill we publish the same in full. The plea of self-defense was what caused the verdict to be rendered as it was and was based on that part of the story where it was alleged Butcher reached in his pocket and started toward defendant.

The following is the exact testimony as given by the defendant, W. C. Cargill:

I am W. C. Cargill, 62 years old. I was born in Milam county, Tex., and lived there about 45 years. I don't remember my physical condition when I was ten years old. I was not a healthy child but can't say what was the matter with me but my mother said I was treated for dropsy. My mother carried me with her whenever she went anywhere, but would leave the others at home. I had brothers and sisters older than I, and one sister older than me but she died.

I suppose I was about 15 years old when I started to school, as near as I can remember. My brothers and sisters started earlier than I. After that, after I started to school, I recall that my physical condition was better, that I got along pretty well, after I started to school as well as I remember. When I was 21 years old I was a pretty good man.

I was constable and deputy sheriff in Milam county for 16 years. I moved from Milam county to Toyah, Texas. I have been married three times, and had two children by my first wife, but none of them are living. They were both girls and died when they were just babies. I had two children by my second wife, a boy and girl. The boy is living, Louis Cargill, who testified here. The girl died in August. She was always a great, big, stout looking girl but she never had any color, kind of swarthy. She was large, fleshy, very heavy. I had two children by my last wife, a boy and girl. The girl is living.

I lived at Toyah about 13 or 14 years. I don't know just how long. I moved from there to New Mexico, about 22 miles south from Black River, to my son's ranch. I know N. B. Butcher in his lifetime, had known him ever since I came to this country. He lived beyond me about 7 or 8 miles. I saw him frequently.

My boy by my last wife died when he was about 5 or 6 years old. He was always weakly and not in good shape. He began to walk when he was about three years old and his mental condition was pretty bad. He got so he could talk a little but not very plain and the doctors said what was the matter with him was cretinism. He died in August, I believe, 1919, there at the ranch, and was buried here at Carlsbad. He was as affectionate as I ever saw a child in my life and it hurt me pretty bad when he died. I felt a great deal different after I lost him than I did before. Judge. The boy was affectionate and everything of that kind and I don't think I have ever been so mentally sick before. I can't remember as well and in fact it just seems to me like it has ruined my life.

I had seen Mr. Butcher frequently up to the day he was killed and I had seen him Friday or Saturday before the killing. It was the next day week, I believe. It was the 9th or 8th of May but before that time I had seen him sometime the last of April, about the 27th or 28th. I saw him then at my house at the ranch when my wife was there that day, and I was at home. He came in a car and when he went away Mr. McFarland went with him and his little boy. The boy is about 4 or 5 years old. I suppose, and he had gone out there with us during that week, with my wife and little girl. During that winter, part of the time my wife was in town and part of the time we were at the ranch. My children were going to school in Carlsbad that winter. I can't say how often

I came to town, I was here a good deal and at the ranch a good deal, but I reckon I was in town the day before the last time before Butcher was killed. I came in that day but before that I believe I left town on Monday. I had been in town the Saturday before when I left town the Monday. Mr. Butcher and I had been friends up to that time and I had never had any trouble or any quarrel with him. I never owed him a dollar and I never owed him a dollar and our families were friends, so far as I know. My recollection is I came in town on the Saturday before he was killed and had seen my wife that day at the house. I came in with Mr. Nymeyer. We had been doing some surveying out there and we brought in some milk and eggs and went up to the house. She (my wife) was washing and I went on to help her wash like I always did. I mentioned meeting Mr. Butcher and his little boy and she said: "It looks like Mr. Butcher thinks more of his youngest and oldest children than he does of the other. Did you notice he didn't kiss the little boy the other day?" I said: "No, it looked like he didn't want to see anybody but you that day." She got mad and turned all colors and spots. She said if that was my way of thinking, to get my duds and get away from there. I tried to make her see I didn't mean any harm by what I said but I couldn't do it. She said that I didn't have anything there but a pair of boots, and I could get them and get away, and: "I want you to write the block ranch." You can get \$80 a month up there and I believe you can get a hundred if you went up there."

I said it would be foolish, going up there. I have got this road job up here paying me \$5 a day, and I want you to go to the ranch with me. I am going back there and I want you. Then she said: "I will not do it. I am not going out there any more." I said: "Well, why?" and she said: "Well, because I am not going. If you want to go up there get your duds and get out." So I did.

I think I saw her again that day. I carried Mr. Merchant up there to get her to sign a power of attorney to handle some oil leases with him but I did not have any further discussion with reference to Mr. Butcher that day. We didn't discuss the question as to Mr. Butcher having been at the house any other time. I went back to the ranch the next morning, Sunday morning and I came back in here the same day.

I next came to town the next Saturday and I saw my wife that day, but didn't have any other conversation with her. I stayed in town Saturday night, at my son's room at the Metropolitan. When I got up Sunday morning I went to breakfast the first thing. I ate dinner at Mr. Moss' house. I came back to town about 2 or 2:30, I think, and went up to the house where my wife was. She was there, but I don't think there was anyone else there. I had a conversation with her at that time. When I first went in, she had just started out of the room, and I told her, I said: "I want to talk to you a little bit." She said: "All right, when I come back." She was gone several minutes and I lay down on the side of the bed and when she came in, she went to the closet and began to get some clothes out, and I said: "Come here, I want to talk to you." She came and sat down over on the trunk about 6 feet from me. I suppose it was. And I said: "You never have told me why it was you won't go back to the ranch with me and I would like to have you tell me. I would like for you to go out there with me." She said: "No, I never have told you but if you will come over here, I will tell you." So I moved over there, because I wanted to hear, then she told me: "Mr. Butcher has treated me wrong, and I am going to tell it." I said: "Well, what has he done?" She said: "Well, he asked me to kiss him, let him kiss me, and he caught me one day and hugged me and kissed me in spite of me." And he asked me if he could come to my room. I told him no and that I intended to tell you when I saw you." She said in April or May he came up to my house one day and asked her to let him kiss her and then she said: "You remember the day you were on top of the windmill?" and I said: "Yes." And she said: "The time Mr. Butcher was there and I was in the garden?" I said: "Yes." She said: "He came out in the garden where I was and told me that day he would help me gather the vegetables and take them to the house if I would do what he asked me to let him do. I said, what was it. He said, let him kiss me." She rounded him up pretty sharp and he left right away, immediately. In July or about the first of August, I suppose it was in July, along toward the last of July, she was there at the house and he came there one day and said something to her about kissing him, and grabbed her anyway. She told him she intended to tell me and she went off in the room and he came to the door and said he wanted to talk to her. He said: "You know you have got too much sense to tell Bud, you are too smart a woman." She told him she didn't want to cause any trouble and would not do it if he

TWO PROMINENT MEN.

The two most prominent men in the agricultural world today are Luther Burbank and Robert Lansing. Their SPECIALTIES are: Burbank potatoes; Lansing, sugar grapes.

promised her never to say anything else to her. The next time was, she didn't tell me this day, it was after he was at the ranch, she said a few days ago, when she washed and lift a few of the heavy things on the line because they wasn't getting dry, she was going out after supper and she went out there to get them and he was out there just as if she was coming to meet him.

This was at the house. He asked her: "Mrs. Cargill, Mr. Cargill is out of town a whole lot, can I come to your room sometime when he is out?" She said: "No, you can't come, and I am going to tell him. I told you I would tell him." He said: "All right, tell him; I will be ready. You are fixing to get your old man killed, as I told you several times before." That is the way she gave it to me.

I started down town about five o'clock. Louis had told me he would leave town about 6 o'clock and I told her I would go down and see Louis and would go back to the ranch. She asked me if I would be back for supper and I told her I didn't know what time I would find the boy and if I found him we would be back up to the house.

I came down to the corner of the First National bank on the other side of this street, just the other side of the courthouse here and also down about the Sweet Shop and about the Star Pharmacy, and I turned across on the other side and came down to the corner of Dearborne's hardware store and looked through the crowd and didn't see Louis and thought he might be around the filling station. Dinty Moore's, and looked around there. I came on east from there. I didn't see his car there and went down to the Metropolitan, thought he might be changing his clothes. I went down there and found it wasn't his car and I went up to his room to see if he had changed his clothes. I stayed there a few minutes. I met Jim Latham before I got down to the hotel, between Roberts-Deardorff's and the Corner Drug Store. Jim asked me: "Where's Louis and Claude?" I said: "I don't know, I am looking for Louis myself." He said: "I saw Butcher this evening and he asked me had I seen them. I told him no, I had seen you. He said: 'I don't want to see him. Hell will pop whenever we meet.' When I got up to the hotel, I went on up to the room and saw that Louis had changed his clothes and I started back to town. And as I got out the door, I remembered what my wife had told me that he said he was going to kill me and what Jim Latham had told me, and I didn't know whether he had seen me come or leave there and I knew there was a couple of pistols in the drawer, because I had seen them that day when I was up there. For the protection of my life and my family, I put one of them down in my breeches. I came on down town and met Will Frost. I couldn't tell you how long I was with him. I was with him until I got up there to a crowd at the Sweet Shop, as well as I remember. I ate supper that night at that Filling Station. I suppose I ate with Mr. Gray. They were asking me to eat supper with them. Mr. Gray and Mr. Will both. I had been with them up until that time. After supper I came on out and came down the street toward the Peoples' Mercantile with Will Frost. I crossed the street toward the Roberts-Deardorff's corner. I don't remember where I went from there. I just remember that Will was with me when I met up with Claude Hays. I don't know where I met Claude Hays, near the Star Pharmacy or Sweet Shop. I hadn't seen Claude Hays before since dinner. It was dark. I don't know what time it was but it was after I had supper. Claude Hays and I walked on up to the corner of the First National bank. As well as I remember, we stayed there. I came up there and as well as I remember, Claude was going to see his girl, so he walked off and left me. Gentlemen, there was just to say what attracted my attention, I cannot. Somebody walked up behind me and I turned around and it was this man, gentlemen, that was trying to ruin my home. And I said to him: "Butcher, your conduct towards my wife is running me crazy." He said: "You are a liar," and started toward his pocket. Gentlemen, I shot him as quick as I could pull my gun and do it.

I don't know where I was standing, whether it was on the walk or on the curb. I don't know. When I first looked around, he was between 4 and 6 feet from me. I don't know how many shots I fired, I fired more than once. I don't know how many. I shot him because he was trying to ruin my home and I thought he was going to kill me.

On cross examination the defense could not shake him in his story, so they excused him after a short examination.

HARDING BACKS VERSAILLES PACT

BID ON BONDS FOR MUNICIPAL BUILDING ACCEPTED BY CITY COUNCIL.

BE IT RESOLVED by the City Council of the City of Carlsbad, New Mexico, that

WHEREAS on the 12th day of April, A. D., 1921, at the hour of 7:30 P. M. at an adjourned regular meeting of the City Council and in pursuance to the advertisement calling for bids for the sale of the \$40,000.00 Municipal Building Bonds and in the presence of the Mayor and City Council the City Clerk did proceed to open the bids received. There were received the following bids:

Bosworth, Chanute & Co., Denver, Colo., offer Nine Hundred twenty seven dollars and fourteen cents per thousand dollar bond, plus accrued interest.

Antonides & Co., Denver, Colo., offer, upon delivery of said bonds to them in Denver, free of exchange or collection charges, the par value and accrued interest from date of issue to date of delivery. Bid further recites: "For and in consideration of our acting as your fiscal agents in the disposition of this issue; for the preparing of the necessary legal proceedings and attorney's fees and for the blank bonds ready for execution, you agree to allow us the sum of \$1,959 which sum or fee is to be paid us at the time of delivery to and payment for said bonds by us in the form of cash or certified check or is to be deducted from the aforesaid purchase price under the conditions above stated."

NOW therefore, after due consideration, the City Council is of the opinion that the bid received from Antonides & Co. is the highest and best bid.

It is further resolved, that said bid received from Antonides & Co. be, and the same hereby is accepted and the Mayor and Clerk be and are hereby instructed and authorized to sign the contract of acceptance.

It is further resolved that the City Clerk is hereby instructed to return to Bosworth Chanute & Co., Denver, Colo., their certified check and thank them for their interest in making a proposal.

It was moved by Alderman Thorne, seconded by Alderman Snow that this resolution be passed and adopted. Motion was unanimously carried, and the Mayor declared the resolution duly passed and adopted.

PROCLAMATION BY MAYOR.

The coming of Springtime suggests in itself cleanliness. I believe the citizenship of Carlsbad to be the average regarding civility and cleanliness. With all this our city must have its annual CLEAN-UP WEEK.

Now therefore, I, J. D. Hudgins, Mayor of the City of Carlsbad by authority vested in me by the ordinances of said city do hereby proclaim, set apart, fix and designate the week beginning April 18th, 1921 as

CLEAN-UP WEEK.

You will, therefore, in conformity herewith, cut and remove all weeds, pick, either or rake up all refuse, deposit same in the alley adjacent to your property where it will be hauled away by the City Truck without charge; the city having made special arrangements to have this done on Saturday, April 23rd.

I desire especially to call the attention of the business men to the condition of the main streets in front of their places of business.

I desire to call the attention of everyone to the following Articles of our compiled ordinances:

Art. 138. No person shall throw into any street, alley or vacant lot, or in any public place in the said town, any wrapping paper, waste paper, old clothes, hats, boots, shoes, bottles, cans, broken glass, slops or other filth or refuse stuff, or shall sweep from their place of business or dwelling place, into any street or alley or other public place, any straw or paper, filth, litter or other refuse stuff; but the same shall be deposited in a barrel, box or other receptacle placed in some convenient and accessible point from which it may be easily removed, to be thence removed by the town scavenger, as provided for by the ordinance of said town. Any person offending against this article shall be punished as hereinafter provided.

Art. 142. Any person offending against any of the foregoing provisions of this ordinance shall be punished for each offense by a fine not less than \$5 nor more than \$50, or by imprisonment in the county jail or town prison for a term not less than five days, nor exceeding sixty days, or by both such fine and imprisonment, in the discretion of the court.

The above ordinance will hereafter be rigidly enforced.

Done at Carlsbad, New Mexico, this 14th day of April, A. D., 1921.

J. D. HUDGINS,

Mayor.

Miss Hays, the reader brought here by Carlsbad Woman's Club, as a guest of Mrs. D. Jackson, during her stay in the city.

Washington, April 12.—President Harding confirmed his leadership today. On vast issues, foreign and domestic, he gave sharply defined opinions, and they by no means followed the lines of least resistance.

On foreign affairs he left no doubt. He scrapped the existing covenant of the League of Nations entirely. His inaugural had already made that policy perfectly clear, but today he took away the last vestige of an excuse for anybody's misunderstanding him.

He treated the creation of an association of nations as a solemn pledge of the campaign that he meant to carry out. He drove in his conviction that the working out such a plan was the executive's business, though when it was worked out he would come to the senate for their advice and he expected their co-operation. The purpose of this new "international association for permanent peace" is to prevent wars, preserve peace and promote civilization.

It is for the purpose of "binding us in conference and co-operation for the prevention of war." "We pledged ourselves toward such association and the pledge will be faithfully kept."

But the limitations of this association are put emphatically and exactly in line with the inaugural although with amplifications. "We can have no part in a commitment to any agency of force in unknown contingencies." Moreover the association cannot be "an organ of any particular treaty." It cannot be committed to the "special aims of any nation or group of nations." It is to be "unassociated with the passions of yesterday."

The president finds the treaty of Versailles unscrappable. It represents the present facts and many rights we claim are based on clauses in that treaty.

A SAD DEATH.

The death of a young man is always sad, and especially is this the case when it occurs away from home and loved ones, and many instances surrounding the death of Jesse Hughes are particularly sad and deserving of the deepest sympathy to the surviving relatives and friends. The young boy was brought to Eddy County Hospital last Sunday from his home at Avis, New Mexico, suffering from a wound inflicted by the accidental discharge of a pistol several days previous. He was herding goats for his brother, near Avis, and was carrying the pistol as a protection to his flock from the wolves which infest that region. In some way the weapon was discharged, the bullet penetrating the body from the groin and lodging near the spinal column. The length of time that had elapsed before he reached medical attention and the fact that he had just recently recovered from a long sick spell, rendered the efforts of physician and nurse of no avail and he expired suddenly about 5 o'clock Wednesday afternoon. The brother of the dead boy had started for home to bring back their mother, and had gone as far as Globe, when he was stopped by telephone, and returned to this city. The mother, who is in poor health, was not sent for, and the body of her son was laid away in City Cemetery yesterday afternoon, after appropriate and touching services conducted at the graveside by Rev. H. W. Lowry. Stranger hands, with hearts full of sympathy for the absent mother, brought beautiful flowers to adorn the casket, and minister in their speechless way to the sorrow of the father and son so cruelly bereft of a promising son and brother.

Jesse Hughes, son of Mr. and Mrs. Peter Hughes was fifteen years, seven months and two days old at the time of his death.

The nurse, Mrs. Slaughter, who attended the lad, speaks in highest terms of his affectionate disposition and appreciation of everything that was done for him while at the hospital, he calling her "Mamma" and thanking her for all the kindnesses she so willingly and gladly bestowed upon him.

The father and his other son left this morning for their home carrying the sad news to the mother who has not yet learned of the death and burial of her boy.

"Leaves have their time to fall and flowers to wither at the cold wind's breath."

But all—thou hast all seasons for thine own, Oh, Death."

BORN:—Tuesday afternoon at 1 o'clock, to Mr. and Mrs. William Campbell, a boy baby, weight nine pounds. "Sergeant Bill" is very proud of his first born son, as are the other relatives and a hearty welcome has been shown him. The young man has been called "Rex" and although he doesn't answer to his name yet, his proud daddy is sure the boy knows it. May he live many years to be a comfort to his parents and a blessing to the world.

Chris Walter is putting extensive repairs on the interior of his home on West Fox Street this city, in the shape of plastering and kalsomining, the entire downstairs. A cement walk from the house to the sidewalk is part of the proposed improvement, and when all their plans are completed they will have a very desirable home.



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THE NATIONAL BANK

CAPITAL \$100,000.00 SURPLUS \$50,000.00

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